

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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NEW YORK STATE TELECOMMUNICATIONS
ASSOCIATION, INC., CTIA – THE WIRELESS
ASSOCIATION, ACA CONNECTS – AMERICA’S
COMMUNICATIONS ASSOCIATION,
USTELECOM – THE BROADBAND ASSOCIATION,
NTCA – THE RURAL BROADBAND ASSOCIATION,
and SATELLITE BROADCASTING &
COMMUNICATIONS ASSOCIATION, on behalf of
their respective members,

**Docket No.: 21 CV 2389
(DRH) (AKT)**

Plaintiffs,

- against -

LETITIA A. JAMES, in her official capacity as
Attorney General of New York,

Defendant.

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NOTICE OF APPEAL

Notice is hereby given that the Defendant, LETITIA A. JAMES, in her official capacity as Attorney General of the State of New York, appeals to the United States Court of Appeals for the Second Circuit from the Amended Stipulated Final Judgment, dated August 10, 2021 (ECF No. 34), so-ordered by this Court on August 4, 2021, amending a Stipulated Final Judgment, dated July 29, 2021 (ECF No. 32), so-ordered by this Court on July 28, 2021 (ECF No. 31). A copy of the final judgment is annexed hereto as Exhibit A.

Dated: Hauppauge, New York
August 11, 2021

Respectfully submitted,
LETITIA JAMES
Attorney General
State of New York

By:


PATRICIA M. HINGERTON
Assistant Attorney General
300 Motor Parkway, Suite 230
Hauppauge, N.Y. 11788

TO: Counsel of Record by ECF

EXHIBIT A

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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NEW YORK STATE
TELECOMMUNICATIONS ASSOCIATION,
INC., CTIA – THE WIRELESS
ASSOCIATION, ACA CONNECTS –
AMERICA’S COMMUNICATIONS
ASSOCIATION, USTELECOM – THE
BROADBAND ASSOCIATION, NTCA – THE
RURAL BROADBAND ASSOCIATION, and
SATELLITE BROADCASTING &
COMMUNICATIONS ASSOCIATION, on
behalf of their respective members,

Plaintiffs,

AMENDED JUDGMENT
CV 21-2389 (DRH)(AKT)

- against -

LETITIA A. JAMES, in her official capacity as
the Attorney General of New York,

Defendant.

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A Memorandum and Order of Honorable Denis R. Hurley, United States District Judge,
having been filed on June 11, 2021, granting Plaintiffs’ motion for a preliminary injunction; and
a Preliminary Injunction Order of Honorable Denis R. Hurley, United States District Judge,
having been filed on June 11, 2021, preliminarily enjoining Defendant Letitia A. James, in her
official capacity as the Attorney General of the State of New York, her employees, agents, and
all persons acting on her behalf, from enforcing the Affordable Broadband Act, N.Y. Gen. Bus.
Law §399-zzzzz; and an Order of Honorable Denis R. Hurley, United States District Judge,
having been filed on July 28, 2021, granting the parties’ motion for judgment, granting the
stipulated final judgment, declaring that N.Y. Gen. Bus. Law §399-zzzzz, as enacted by ch. 56,
pt. NN (244th Sess. 2021) is preempted by federal law, permanently enjoining Defendant Letitia
A. James, in her official capacity as the Attorney General of the State of New York, her
employees, agents, and all persons acting on her behalf, from enforcing the Affordable

Broadband Act, N.Y. Gen. Bus. Law §399-zzzzz, as enacted by ch. 56, pt. NN (244th Sess. 2021), dismissing Plaintiffs' second claim for relief without prejudice; and directing the Clerk of the Court to enter such final judgment in favor of Plaintiffs, and to close this case; and an Order of Honorable Denis R. Hurley, United States District Judge, having been filed on August 4, 2021, granting motion to amend the judgment and directing the Clerk of Court to enter an amended judgment, it is

ORDERED AND ADJUDGED that judgment is hereby entered in favor of Plaintiffs New York State Telecommunications Association Inc., CTIA – The Wireless Association, ACA Connects – America's Communications Association, USTelecom – The Broadband Association, NTCA – The Rural Broadband Association, and Satellite Broadcasting & Communications Association against Defendant Letitia A. James, in her official capacity as Attorney General of New York; that the parties' motion for judgment is granted; that N.Y. Gen. Bus. Law §399-zzzzz, as enacted by ch. 56, pt. NN (244th Sess. 2021) is preempted by federal law; that Defendant Letitia A. James, in her official capacity as the Attorney General of the State of New York, her employees, agents, and all persons acting on her behalf, are permanently enjoined from enforcing the Affordable Broadband Act, N.Y. Gen. Bus. Law §399-zzzzz, as enacted by ch. 56, pt. NN (244th Sess. 2021); that Plaintiffs' second claim for relief is dismissed without prejudice; and that this case is closed.

Dated: August 10, 2021
Central Islip, New York

DOUGLAS C. PALMER
CLERK OF THE COURT
By: /s/ James J. Toritto
Deputy Clerk